IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPEAL NO. 741 OF 2000

Ranba Genba Chavan
Yerwada Central Prison,
Pune, Circle No. 1/8,
prisoner No. C 11551. ..Appellant
(Orig.accused).

Vs.

The State of Maharashtra ..Respondent.

Shri A.G. Toraskar,advocate appointed for the appellant.

Mrs. U.V. Kejriwal, A.P.P. for the State

CORAM : V.G.PALSHIKAR &
ANOOP V.MOHTA, JJ.

DATE : 17TH SEPTEMBER, 2004.

ORAL JUDGMENT (PER ANOOP V. MOHTA, J.)

. The daughter-in-law witnessed the murder committed by the father-in-law of her mother-in-law.

2. The Sessions Judge, Solapur, by the impugned Judgment held that Jalsabai wife of Ranba Chavan (hereinafter referred as "deceased") met homicidal death on 28/10/1999, at 5.30 p.m., as appellant-accused at village Gadegaon-Dhuspimpalgao road committed murder of deceased by intentionally and knowingly causing her death by assaulting with an axe on vital part of body of

deceased and also caused grievous hurt and threatened Laxmibai and therefore, convicted the appellant under Section 302, 323 and 506 of Indian Penal Code.

3. Heard advocates for the appellant and learned A.P.P. for the State. Perused in detail the evidence of witnesses and material placed on record including reasoning point-wise given by the learned Sessions Judge. We have considered the contentions, as raised in the memo of appeal, as well as, orally submitted by the advocate. We see no case is made out by the appellant to interfere with the findings of conviction and sentences, as awarded by the learned Sessions Judge. The reasoning, as well as, conviction, according to us is within the frame work of law, as well as, record.

4. The eye witness P.W. 1, Laxmibai, deposed as under;;

> "The time may be about 5.30 p.m. When we reached near the field of Mahadeo Jagtap, on way to our house, my mother-in-law Jalsabai was ahead and I was following her. At that time, my father-in-law present accused came from backside assaulted Jaisabai with axe and gave blows on her head,leg, hand. I myself then tried to rescue my mother-in-law, however, the accused also beat me with the handle of the axe. He also told me not to rescue Jalsabai, otherwise

he will also kill me."

"My father-in-law present accused after beating Jalsabai left the axe and thereafter ran away from the place of incident."

" Article 3 before the Court is the same axe with which the present accused attacked Jalsabai. The axe belongs to accused, as he always used to keep axe with him. My husband had gone to police station Pangari, Police then came on the spot, recorded my statement."

. Her cross-examination nowhere shattered her examination-in-chief, except that she stated that her mother-in-law never made any complaint against the accused, when he used to ill-treat her by suspecting her character. The rest of the evidence including recovery of the incriminating articles and place of incident is duly supported.

5. Another witness P.W.2, Mahadeo, the son of the accused and deceased mother Jalsabai corroborate the prosecution case that his father used to quarrel with Jalsabai and suspected her character. Whenever Jalsabai deceased used to speak with other, accused used to quarrel with Jalsabai on that count. He further corroborates that his wife was standing near the dead body of Jalsabai sustained the injuries on her legs, hands, head and chest. The axe was also there. After

inquiry with the wife P.W.1 disclosed and narrated the incident. He denied specifically, the suggestion about the quarrel in respect of the transfer of the land in their names. The age of the accused at the relevant time was 70 years and the age of the mother was 60 years. He also identifies the axe and deposed to the effect that his father accused always used to keep the same with him. Merely because there was no complaint or any report lodged by the deceased about the illtreatment by the accused on account of suspecting her character,that itself, no way affect the prosecution case, which is supported by these two witnesses, P.W. 5, Medical Officer, Dr. Shashikant Navale corroborated the post-mortem report and the fatal injuries, which had resulted into the death of the deceased. This witness also deposed that the injuries on the person of the deceased were possible by the article No.3, an axe in question. Therefore, these three witnesses P.W.1, P.W. 2 and P.W.5 corroborated the prosecution case without any doubt the assault by the accused which had caused death. P.W. 1 and P.W. 2 corroborated the case of prosecution in respect of motive of the accused to kill her wife. The P.W. 2, son deposition, which remained undisturbed that the deceased father used to suspect her

character and ill-treat her. P.W.4, Kalidas, also corroborated that the accused used to quarrel with his wife and used to suspect about her character. He also corroborate that the accused had an axe in his hand, when they returned to their village after finishing the work in the field at about 5.30 p.m. with Laxmibai and Jalsabai. He also visited the spot and found that Jalsabai sustained injuries and Laxmibai was standing there. He also deposed that said Laxmibai had informed that her father-in-law assaulted Jalsabai.

6. The prosecutions' other witnesses remained intact. They proved the panchanama of the place of incident through P.W.3 including recovery of the articles 1 to 4.

7. Witness No.7, Sitaram Yadav, A.S.I. further proved the links which leads to the conclusion that accused had committed murder of his wife with an axe. The statements recorded and registration of the crime and further investigation as deposed, substantiated the case of the prosecution. This witness also remained unshattered.

8. There is no doubt in the present case that the accused had intentionally, knowingly assaulted his own wife and killed her, in presence of his dauther-in-law. He also threatened her daughter in law and grievously hurt her, as she was trying to save her mother-in-law. This shows the guilty mind and guilt of the accused. There are no mitigating circumstances to reduce the sentences as awarded, by the learned Sessions Judge, merely because the accused now is of age 72 to 73 years age. Thus, according to us this cannot be said to be mitigating circumstances to reduce the sentences. Therefore, we are not interfering with the reasoning given by the learned Sessions Judge. There is no substance in the appeal.

9. For reasons recorded above the appeal is dismissed.

10. We quantify the fees to be paid to the advocate appointed for the appellant and the learned A.P.P. at Rs. 1,500/- for this appeal.

[V.G. PALSHIKAR, J.]

[ANOOP V. MOHTA, J.]